



RESOURCES

Alcoholics Anonymous
www.aa.org

MADD
1-800-633-MADD

Massachusetts Substance Abuse
Information and Education Helpline
1-800-327-5050 (toll-free; multi-lingual)
www.helpline-online.com

Massachusetts Department of Public Health,
Bureau of Substance Abuse Services
www.mass.gov/dph/bsas

*Brochure content available in Spanish,
Portuguese, and Chinese at*
www.mass.gov/safety/ouilaw

*Additional copies of this brochure
are available on line at*
www.mass.gov/rmv

*To obtain auxiliary aids, services, or
accessibility information, contact*
**ADA Coordinator at 617-727-7775, ext. 25508;
TTY: 617-727-6618.**



Governor Deval L. Patrick
Lt. Governor Timothy P. Murray



Secretary Kevin M. Burke | Registrar Rachel Kaprielian



BAD BREATH IS A CRIME IN MASSACHUSETTS



**FAIL THE BREATHALYZER.
FACE CRIMINAL CHARGES.
LOSE YOUR LICENSE.**

Melanie's Law, passed in October 2005, raised penalties for refusing a breathalyzer test, and established new criminal offenses against operating under the influence (OUI).

**Think you can mask bad breath?
Think again.**

Think before you drink...
or face the consequences.

CONVICTION	1st offense
FINE	\$500–5,000
PRISON TERM	up to 2 ½ years
LICENSE SUSPENSION	1 year

CONVICTION	2nd offense
FINE	\$600-10,000
PRISON TERM	30 days–2 ½ years
LICENSE SUSPENSION	2 years

CONVICTION	3rd offense
FINE	\$1,000–15,000
PRISON TERM	150 days–5 years
LICENSE SUSPENSION	8 years

CONVICTION	4th offense
FINE	\$1,500–25,000
PRISON TERM	1 year–5 years
LICENSE SUSPENSION	10 years

CONVICTION	5th offense
FINE	\$2,000–50,000
PRISON TERM	2 years–5 years
LICENSE SUSPENSION	Lifetime

[Don't be caught with bad breath.]

Fines, Fees, and Other Costs

Towing Fee **\$100**
Car Storage **\$30/day**
Magistrate Nighttime Bail Fee **\$50**
Defense Attorney Fee **\$5,000**
Minimum Conviction Fine **\$500**
Victim Witness Fee **\$50**
License Reinstatement Fee **\$500**

Surcharges

Head Injury Treatment Services **\$125**
Drunk Driving Victims Trust Fund **\$50**

Probable Additional Costs

Driver Alcohol Education Program **\$574**
Court Costs **\$250**
Probation Fee **\$780**

Total \$7,809*

**Court costs, insurance surcharge, victim witness fee, and attorney fees will vary.*

**A second offense will cost you even more...
from \$1,430 to \$10,000.**

Refusing A Breathalyzer

Melanie's Law dramatically increases the suspension period for refusing a breathalyzer (over age 21).

- No prior drunk driving offenses
license suspension: 180 days
 - 1 prior drunk driving offense
license suspension: 3 years
 - 2 prior drunk driving offenses
license suspension: 5 years
 - 3 or more prior drunk driving offenses
license suspension: Lifetime
- Motorists will also lose their CDL license
1st refusal: 1 year; 2nd refusal: Lifetime

Avoid The Ignition
Interlock Device

An Ignition Interlock Device is a hand-held breath-alcohol monitoring device that is electronically connected to a vehicle's ignition. Before starting the vehicle, the device requires the driver to take and pass a breath test.

If you have two or more drunk driving offenses and are eligible for a hardship license or for license reinstatement, you must have an Ignition Interlock Device installed in any vehicle you own, lease, or operate.

For a hardship license, the device must be used for the entire life of the hardship, and at least an additional two years after full reinstatement. For a full license reinstatement, the device must be used for at least two years.

A driver must forfeit his/her motorcycle license for the term of the IID restriction.

Mandatory Ignition Interlock Vendor Fees
\$100-\$500 install, \$85+ monthly

16,274 people
were arrested
for drunk driving
in 2008

Driving Drunk under the Legal Drinking Age

Action	Consequence
If you are under the age of 18 and are arrested for OUI	1-year license loss in addition to any other suspensions; \$100 reinstatement fee
If you are under the age of 21 and are arrested for OUI	180-day license loss in addition to any other suspensions; \$100 reinstatement fee

Driving Drunk with a Commercial Driver's License

Action	Consequence
1st offense OUI: in your commercial or passenger vehicle	1-year loss of CDL License
2nd offence OUI: in your commercial or passenger vehicle	Lifetime loss of CDL License

Driving Drunk While Already Suspended
For Drunk Driving

Action	Consequence
Drive under the influence of alcohol while your license is already suspended for drunk driving. You will be charged with two crimes at once: OUI and OUI with a suspended license.	1–2 ½ years in prison; fine \$2,500–\$10,000; loss of license for 1 year. In addition to the above penalty for operating after suspension while OUI, you will also face the applicable criminal penalty for the OUI offense itself.

Child Endangerment While Driving Drunk

Action	Consequence
Drive under the influence of alcohol with a child 14 years of age or younger in the vehicle. You will be charged with two crimes at once: OUI and Child Endangerment while OUI.	90 days–2 ½ years in prison; fine \$1,000–\$5,000; loss of license for 1 year